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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Note verbale dated 19 December 2008 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

The Permanent Mission of the Syrian Arab Republic to the United Nations present its compliments to the Secretary-General, and has the honour to enclose herewith the declaration by 59 Member States in relation to the statement delivered on behalf of a group of Member States at the 71st plenary meeting of the General Assembly at its sixty-third session, on human rights and the so-called notions of sexual orientation and gender identity (see annex).

On behalf of the co-sponsors, and upon their request, the Permanent Mission of the Syrian Arab Republic kindly requests that the declaration be circulated as a document of the sixty-third session of the General Assembly, under agenda item 64 (b).

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Annex to the note verbale dated 19 December 2008 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

Declaration

We, the Permanent Missions of the Member States listed hereafter, have the honour to make the following declaration in relation to the statement delivered by Argentina during the General Assembly plenary meeting of 18 December 2008 on behalf of a group of Member States on human rights and the so-called notions of "sexual orientation" and "gender identity".

On 10 December 2008, the human family celebrated the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights and once again made an unequivocal commitment to the principles enshrined therein. On that august occasion, we reiterated that all human rights are universal, indivisible, interrelated, interdependent, and mutually reinforcing. There was also a universal acknowledgement that in no country or territory can it be claimed that all human rights have been fully realized at all times for all. Member States declared that the full realization of all human rights for all remains a challenge that they shall not shy away from its magnitude.

The principles of non-discrimination and equality are two faces of the same coin. They are indeed cross-cutting principles in the vast areas related to the full realization of all human rights and fundamental freedoms for all. Such principles are well entrenched in the Charter of the United Nations and internationally agreed human rights instruments, as they all reaffirm the faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, without distinction.

In this context, we are seriously concerned at the attempt to introduce to the United Nations some notions that have no legal foundation in any international human rights instrument. We are even more disturbed at the attempt to focus on certain persons on the grounds of their sexual interests and behaviours, while ignoring that intolerance and discrimination regrettably exist in various parts of the world, be it on the basis of colour, race, gender or religion, to mention only a few.

Our alarm does not merely stem from concerns about the lack of legal grounds, or that the said statement delves into matters which fall essentially within the domestic jurisdiction of States counter to the commitment in the United Nations Charter to respect the sovereignty of States and the principle of non-intervention. More importantly, it arises owing to the ominous usage of those two notions. The notion of orientation spans a wide range of personal choices that expand way beyond the individual's sexual interest in copulatory behaviour with normal, consenting adult human beings, thereby ushering in the social normalization, and possibly the legitimization, of many deplorable acts, including paedophilia. The second is often suggested to attribute particular sexual interests or behaviours to genetic factors, a matter that has been scientifically rebuffed repeatedly.

We affirm that those two notions are not and should not be linked to existing international human rights instruments. We believe that people are not inherently vulnerable, but some individuals are made vulnerable due to the socio-economic

setting they live in. It follows that vulnerable individuals and groups are those women, children, elderly, peoples under foreign occupation, refugees, asylum-seekers and internally displaced persons, migrants, persons deprived of their liberty, and persons belonging to national or ethnic, religious and linguistic minorities, who become vulnerable as a result, inter alia, of intolerance and discrimination against them.

We strongly deplore all forms of stereotyping, exclusion, stigmatization, prejudice, intolerance, discrimination and violence directed against peoples, communities and individuals on any grounds whatsoever, wherever they occur.

We also reaffirm Article 29 of the Universal Declaration of Human Rights and the right of Member States to enact laws that meet "just requirements of morality, public order and the general welfare in a democratic society".

We recognize that the enumerated rights contained in the Universal Declaration of Human Rights were codified in subsequent international legal instruments. We note with concern the attempts to create "new rights" or "new standards", by misinterpreting the Universal Declaration and international treaties to include such notions that were never articulated or agreed by the general membership. These attempts undermine not only the intent of the drafters and signatories to these human rights instruments, but also seriously jeopardize the entire international human rights framework.

We call upon all Member States to continue and step up their efforts towards the total elimination of all forms of racism, racial discrimination, xenophobia and related intolerance.

We also call upon all Member States to refrain from attempting to give priority to the rights of certain individuals, which could result in positive discrimination on the expense of others' rights, and thus run in contradiction with the principles of non-discrimination and equality.

We urge Member States, the United Nations system and non-governmental organizations to continue to devote special attention and resources to protect the family as "the natural and fundamental group unit of society", in accordance with Article 16 of the Universal Declaration of Human Rights.

We also urge all States and relevant international human rights mechanisms to intensify their efforts to consolidate the commitment to the promotion and protection of human rights of everyone on an equal footing, without exception.

1. Afghanistan
2. Algeria
3. Bahrain
4. Bangladesh
5. Benin
6. Brunei Darussalam
7. Cameroon
8. Chad
9. Comoros
10. Côte d'Ivoire
11. Democratic People's Republic of Korea
12. Djibouti
13. Egypt
14. Eritrea
15. Ethiopia
16. Fiji
17. Gambia
18. Guinea
19. Guyana
20. Indonesia
21. Iran (Islamic Republic of)
22. Iraq
23. Jordan
24. Kazakhstan
25. Kenya
26. Kuwait
27. Kyrgyzstan
28. Lebanon
29. Libyan Arab Jamahiriya
30. Malawi
31. Malaysia
32. Maldives
33. Mali
34. Mauritania
35. Morocco
36. Niger
37. Nigeria
38. Oman
39. Pakistan
40. Qatar
41. Rwanda
42. Saudi Arabia
43. Senegal
44. Sierra Leone
45. Saint Lucia
46. Solomon Islands
47. Somalia
48. Sudan
49. Swaziland
50. Syrian Arab Republic
51. Tajikistan
52. Togo
53. Tunisia
54. Turkmenistan
55. Uganda
56. United Arab Emirates
57. United Republic of Tanzania
58. Yemen
59. Zimbabwe